

## **Remarks**

### **Status of the Application**

Prior to entry of this amendment, claims 10-16 and 26-32 were pending. The Office Action mailed June 6, 2011 (the "Office Action") rejected claims 10-14, 16, 26-30, and 34 under § 103(a) as being unpatentable over U.S. Patent Application 2002/0051119 to Sherman et al. ("Sherman") in view of U.S. Patent Application 2002/0184457 to Yuasa et al. ("Yuasa"), rejected claim 15 under § 103(a) as being unpatentable over Sherman and Yuasa and further in view of U.S. Patent 7,272,613 to Sim et al. ("Sim"); rejected claims 31-32 under § 103(a) as being unpatentable over Sherman and Yuasa and further in view of U.S. Patent 6,351,523 to Detlef ("Detlef"); and rejected claim 33 under § 103(a) as being unpatentable over Sherman and Yuasa, in view of U.S. Patent 7,203,966 to Abburi et al. ("Abburi").

This paper amends claims 1 and 34, and adds new claim 35. No claims have been canceled. Hence, after entry of this paper, claims 10-16 and 26-35 will stand pending for examination. Claims 10 and 35 are independent claims.

### **Interview Summary**

The undersigned appreciates the courtesy and professionalism shown by the Examiner in the interview conducted on June 15, 2011. During that interview, the parties discussed the relevance of the Sherman and Yuasa references to the pending claims. No agreement was reached on allowability, although the Examiner indicated tentative agreement with the argument that neither Sherman nor Yuasa appear to disclose a demarcation device with the recited functionality.

### **Claim Amendments**

Claim 10 has been amended to recite, "wherein the content access point is located within a demarcation device that isolates the customer's premises network from a provider's network." Support for this amendment can be found throughout the application as filed and the applications incorporated by reference within the specification, including, for example, in paragraphs 0032-0037 of U.S. Patent Application No. 10/356.364, which is incorporated by reference into the present application.

Claim 34 has been amended to indicate that the demarcation device is located within a NID "that is affixed to an external wall of the customer's premises," a feature that finds support, inter alia, in paragraph 0105 of U.S. Patent Application No. 10/356,364.

New claim 35 is directed to a content access point, and it recites features similar to those found in claim 1. Support for the hardware elements of claim 35 can be found, inter alia, in paragraphs 0049, 0075, 0086, and 0090.

#### Rejections under 35 U.S.C. § 103

Claims 10-14, 16, 26-30, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherman in view of Yuasa. These rejections are respectfully traversed.

Claim 10 recites, inter alia, "wherein the content access point is located within a demarcation device that isolates the customer's premises network from a provider's network." As discussed in the Interview, neither Sherman nor Yuasa discloses or suggests such functionality. Accordingly, the combination of Sherman and Yuasa cannot create a prima facie case that claim 10 is unpatentable under § 103(a). Claim 35, which recites similar features, is believed to be allowable for at least similar reasons.

Claims 11-14, 16, 26-30, and 34 are believed to be allowable at least by virtue of their dependence from allowable base claims. Moreover, several of the dependent claims are independently allowable over the cited references. For example, claim 34 recites, inter alia, "wherein the demarcation device is incorporated within a premises network interface device ("NID") that is affixed to an external wall of the customer's premises." Even assuming the combination of Sherman and Yuasa taught a demarcation device as recited by claim 10 (which they do not), that combination certainly does not teach a demarcation device incorporated within a NID that is affixed to an external wall of the customer's premises.

Because Sim, Detlef, and Abburi cannot remedy the disclosure missing from the combination of Sherman and Yuasa, claims 10 and 35 would be allowable over any combination of Sherman, Yuasa, Sim, Detlef, and Abburi. Accordingly, claims 15 and 31-33 are allowable at least by virtue of their dependence from allowable base claims.

### Conclusion

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This paper constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

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